

**From:** Covert, Joseph  
**To:** "Stuart, Paul E"; Lisa Duetsch  
**Subject:** RE: Brenda Kelly-Plum Creek DOL-12/10/2013  
**Date:** Monday, September 15, 2014 8:26:00 AM

---

Paul, our policy is not a "follow form" policy and it contains an exclusion for UM/UIM benefits. I am working with our underwriter to confirm we obtained the appropriate rejection forms and will be issuing a coverage position shortly.

**From:** Stuart, Paul E [mailto:Paul.Stuart@ACEGroup.com]  
**Sent:** Wednesday, September 10, 2014 10:25 AM  
**To:** Covert, Joseph; Lisa Duetsch  
**Subject:** RE: Brenda Kelly-Plum Creek DOL-12/10/2013

They are \$1MM. Question, does the excess policy follow form? I was asked to confirm if there is UM/UIM coverage under the excess policy.

Thanks,

Paul Stuart  
Claims Director  
ACE North American Claims  
Direct: 818-428-3767  
Fax: 866-635-5687  
[Paul.Stuart@acegroup.com](mailto:Paul.Stuart@acegroup.com)

We are operating in a paperless environment. Please send all correspondence and reports to our scanning center at:

ACE ARM Claims  
P.O. Box 5113  
Scranton, PA 18505-0530

*Please consider the environment before printing this e-mail*

**From:** Covert, Joseph [mailto:JOSEPH.COVERT@LibertyMutual.com]  
**Sent:** Wednesday, September 10, 2014 6:07 AM  
**To:** Stuart, Paul E; Lisa Duetsch  
**Subject:** RE: Brenda Kelly-Plum Creek DOL-12/10/2013

Thanks Paul. Please confirm your limits, I understand them to be \$1 Million

**From:** Stuart, Paul E [mailto:Paul.Stuart@ACEGroup.com]  
**Sent:** Friday, September 05, 2014 5:13 PM  
**To:** Covert, Joseph; Lisa Duetsch  
**Subject:** RE: Brenda Kelly-Plum Creek DOL-12/10/2013

Joseph,

The primary policy has UM/UIM limits equal to the BI limits. There was not a coverage letter sent.


Please let me know if you need anything else.

Thanks,

Paul Stuart  
Claims Director  
**ACE North American Claims**  
Direct: 818-428-3767  
Fax: 866-635-5687  
[Paul.Stuart@acegroup.com](mailto:Paul.Stuart@acegroup.com)

We are operating in a paperless environment. Please send all correspondence and reports to our scanning center at:

ACE ARM Claims  
P.O. Box 5113  
Scranton, PA 18505-0530

 *Please consider the environment before printing this e-mail*

**From:** Covert, Joseph [<mailto:JOSEPH.COVERT@LibertyMutual.com>]  
**Sent:** Wednesday, August 27, 2014 12:11 PM  
**To:** Lisa Duetsch; Stuart, Paul E  
**Subject:** RE: Brenda Kelly-Plum Creek DOL-12/10/2013

Thanks Lisa.

Paul, Liberty Mutual has the umbrella policy above your primary coverage. Have you completed your coverage investigation and determined if your policy provides UM/UIM benefits for this loss? Please forward a copy of your letter. Thanks!

Best regards,

Joseph P. Covert C.P.C.U, ARM  
Complex Claims-Specialty Claims Unit  
Commercial Market Liability Claims  
Mail Stop 01F  
Liberty Mutual Insurance  
100 Liberty Way  
Dover, NH 03820

Direct Dial - 603-970-7774  
Fax: 603-334-8156  
Mobile-603-312-2902  
E-mail: [Joseph.Covert@LibertyMutual.com](mailto:Joseph.Covert@LibertyMutual.com)

This e-mail, and any attachment thereto, is intended only for the use of the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments

thereof, is strictly prohibited. If you have received this e-mail in error, please notify me via return e-mail and via telephone at 603-970-7774 and please permanently delete the original and any copy of any e-mail and any printout thereof.

**From:** Lisa Duetsch [<mailto:Lisa.Duetsch@plumcreek.com>]  
**Sent:** Wednesday, August 27, 2014 3:08 PM  
**To:** Covert, Joseph  
**Subject:** RE: Brenda Kelly-Plum Creek DOL-12/10/2013

Hi Joseph –

Attached, please find a copy of the primary auto policy. The contact info for the ACE adjuster is:

**Paul Stuart**  
ACE  
  
(818) 428-3767 Work  
[Paul.Stuart@ACEGroup.com](mailto:Paul.Stuart@ACEGroup.com)

Let me know if you need anything else.

Lisa Duetsch  
Manager – Risk & Insurance



**Plum Creek**

P: 406.892.6113  
F: 406.892.6177

Print responsibly. Choose paper from well-managed  SFI® forests.

**From:** Covert, Joseph [<mailto:JOSEPH.COVERT@LibertyMutual.com>]  
**Sent:** Wednesday, August 27, 2014 7:20 AM  
**To:** Lisa Duetsch  
**Subject:** Brenda Kelly-Plum Creek DOL-12/10/2013

Lisa:

I am following up with you to the phone call I made last week.

You and I spoke early in August regarding this claim for uninsured motorist benefits under the umbrella policy issued by Liberty Mutual. Since our conversation, I have had a number of request from plaintiff counsel Robert Stein.

I have provided a copy of our policy to him for his review. We have also retained coverage counsel to conduct a choice of law analysis. As you know, the loss occurred in New Hampshire. Our policy was

issued to Plum Creek at its corporate offices in Washington State. I expect to have the choice of law analysis shortly and will issue a formal coverage position letter at that time.

In the meantime, I need to see the coverage position taken by your primary insurer, along with a copy of their policy. Please provide both if you have them. If you don't, please provide the name and contact information for the claim handler on the primary policy and I will follow-up with them directly. I look forward to your response.

Best regards,

Joseph P. Covert C.P.C.U, ARM  
Complex Claims-Specially Claims Unit  
Commercial Market Liability Claims  
Mail Stop 01F  
Liberty Mutual Insurance  
100 Liberty Way  
Dover, NH 03820

Direct Dial - 603-970-7774  
Fax: 603-334-8156  
Mobile-603-312-2902  
E-mail: [Joseph.Covert@LibertyMutual.com](mailto:Joseph.Covert@LibertyMutual.com)

This e-mail, and any attachment thereto, is intended only for the use of the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me via return e-mail and via telephone at 603-970-7774 and please permanently delete the original and any copy of any e-mail and any printout thereof.

---

This email is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, protected by the attorney/client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this email in error, please notify the sender immediately and delete all copies from your computer system without reading, saving, or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage, or injury arising out of or resulting in any way from the receipt, opening or use of this email is expressly disclaimed.

---

---

This email is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, protected by the attorney/client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful.

Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this email in error, please notify the sender immediately and delete all copies from your computer system without reading, saving, or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage, or injury arising out of or resulting in any way from the receipt, opening or use of this email is expressly disclaimed.

---